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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

5 Attorneys for Plaintiff, RON SANCHEZ

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT – WESTERN DIVISION

10 RON SANCHEZ,

11 Plaintiff,

12 v.

13 WINN LAW GROUP, APC,

14 Defendant.

SACV09-01212 CJC MLGx

Case No.:

) COMPLAINT AND DEMAND FOR
) JURY TRIAL
) (Unlawful Debt Collection Practices)

16

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VERIFIED COMPLAINT

18 RON SANCHEZ (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the
19 following against WINN LAW GROUP, APC., (Defendant):

20

INTRODUCTION

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1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15
22 U.S.C. 1692 *et seq.* (FDCPA).

23 JURISDICTION AND VENUE

24

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2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such
actions may be brought and heard before "any appropriate United States district court

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1 without regard to the amount in controversy," and 28 U.S.C. 1337 grants this court
2 supplemental jurisdiction over the state claims contained therein.

3 3. Defendant is located in the State of California, and therefore, personal jurisdiction is
4 established.
5 4. Venue is proper pursuant to 28 U.S.C. 1331(b)(1).
6 5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

7 **PARTIES**

8 6. Plaintiff is a natural person residing in Los Angeles, Los Angeles County, California.
9 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
10 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
11 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and sought to
12 collect a consumer debt from Plaintiff.
13 9. Defendant is a national corporation with its headquarters in Fullerton, Orange County,
14 California.
15 10. Defendant acted through its agents, employees, officers, members, directors, heirs,
16 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
17 insurers.

18 **FACTUAL ALLEGATIONS**

19 11. Defendant constantly and continuously places collection calls to Plaintiff seeking and
20 demanding payment for an alleged debt.
21 12. Defendant contacted Plaintiff at (310) 621-0460.
22 13. Defendant contacted Plaintiff from (714) 388-3080 and (714) 446-6686.
23 14. Defendant calls Plaintiff and hangs up without leaving a voicemail message.
24 15. Defendant calls Plaintiff and fails to disclose the call is from a debt collector.
25 16. Defendant faxed a letter to Plaintiff's employer and co-workers received and read the

1 letter.

2 17. Defendant placed telephone calls without meaningful disclosure of the caller's identity.

3 18. Defendant failed to identify itself as a debt collector in subsequent communications.

4 19. Defendant communicated to third parties, Plaintiff's co-workers, that Plaintiff allegedly
5 owes a debt.

6 20. Defendant threatened to file a lawsuit against Plaintiff has not done so.

7 **COUNT I**

8 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

9 21. Defendant violated the FDCPA based on the following:

- 10 a. Defendant violated §1692b(2) of the FDCPA by communicating with Plaintiff's
11 co-workers and stating that Plaintiff owes a debt.
- 12 b. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at his place of
13 employment even though Defendant knew that Plaintiff's employer prohibits the
14 consumer from receiving such communications.
- 15 c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
16 consequence of which is to harass, oppress, or abuse the Plaintiff in connection
17 with the collection of a debt.
- 18 d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring
19 repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- 20 e. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without
21 meaningful disclosure of the caller's identity because Defendant calls Plaintiff
22 and hangs up without leaving a voicemail message.
- 23 f. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
24 attempt to collect a debt by threatening to file a lawsuit against Plaintiff even
25 though Defendant does not intend to do so.

- 1 g. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
- 2 attempt to collect a debt by calling Plaintiff and hanging up without leaving a
- 3 voicemail message.
- 4 h. Defendant violated §1692e(10) of the FDCPA by failing to disclose in
- 5 subsequent communications that the communication was from a debt collector.
- 6 i. Defendant violated §1692g(a)(1-5) by failing to provide appropriate notice of the
- 7 debt within 5 days after the initial communication including: (1) the amount of
- 8 the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement
- 9 that unless the consumer, within 30 days after receipt of the notice, disputes the
- 10 validity of the debt, or any portion thereof, the debt will be assumed to be valid
- 11 by the debt collector; (4) a statement that if the consumer notifies verification of
- 12 the debt or a copy of a judgment against the consumer and a the debt collector in
- 13 writing within the 30-day period that the debt, or any portion thereof, is disputed,
- 14 the debt collector will obtain copy of such verification or judgment will be
- 15 mailed to the consumer by the debt collector; and (5) a statement that, upon the
- 16 consumer's written request within the 30-day period, the debt collector will
- 17 provide the consumer with the name and address of the original creditor, if
- 18 different from the current creditor.

20 WHEREFORE, RON SANCHEZ respectfully requests judgment be entered against
21
22 Defendant, WINN LAW GROUP, APC, for the following:

22. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
23 Practices Act,
24. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
25. Actual damages,

1 25. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,

2 *15 U.S.C. 1692k*

3 26. Any other relief that this Honorable Court deems appropriate.

4 **COUNT II**

5 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
PRACTICES ACT (RFDCPA), Cal. Civ. Code § 1788 et seq.

6 27. Plaintiff repeats, re-alleges and incorporates by reference all of the foregoing
7 paragraphs.

8 28. Defendant violated the RFDCPA based on the following:

9 a. Defendant violated §1788.11(b) of the RFDCPA by placing telephone
10 calls without meaningful disclosure of the caller's identity.

11 e. Defendant violated §1788.11(d) of the RFDCPA by placing collection
12 calls to Plaintiff repeatedly and continuously so as to annoy Plaintiff.

13 f. Defendant violated §1788.11(e) of the RFDCPA by placing collection
14 calls to Plaintiff with such frequency as to be unreasonable and to constitute a harassment to
15 Plaintiff under the circumstances.

16 g. Defendant violated §1788.13(j) of the RFDCPA by falsely representing
17 that a legal proceeding is about to be instituted unless payment of a consumer debt is made
18 by Plaintiff.

19 i. Defendant violated the §1788.17 of the RFDCPA by continuously failing
20 to comply with the statutory regulations contained within the FDCPA, *15 U.S.C. § 1692 et*
21 *seq.*

22 ///

23 ///

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, RON SANCHEZ, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: October 7, 2009

KROHN & MOSS, LTD.

By:

G. Thomas Martin, III
Attorney for Plaintiff

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3 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

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STATE OF CALIFORNIA

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Plaintiff, RON SANCHEZ, states as follows:

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1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

15

Pursuant to 28 U.S.C. § 1746(2), I, RON SANCHEZ, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

16

DATE:

9/23/09

RON SANCHEZ

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV09- 1212 CJC (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====:

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RON SANCHEZ, v. WINN LAW GROUP, APC,	PLAINTIFF(S)	CASE NUMBER SACV09-01212 CJC MLGx
	DEFENDANT(S).	SUMMONS

TO: DEFENDANT(S): WINN LAW GROUP, APC

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, G. THOMAS MARTIN, III, whose address is Krohn & Moss, Ltd.; 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT 19 2009By: CHRISTOPHER POWERS

Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) RON SANCHEZ	DEFENDANTS WINN LAW GROUP APC																																																																																																																	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Krohn & Moss, Ltd.; G. THOMAS MARTIN, III. ESQ. 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025 (323) 988-2400	Attorneys (If Known)																																																																																																																	
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4 Citizen of Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5 Citizen or Subject of a Foreign Country <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 6 <input type="checkbox"/> 6																																																																																																																	
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 USC 1692 et seq.; Unlawful and Abusive Debt Collection Practices																																																																																																																		
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<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 540 Mandamus/ Other	<input type="checkbox"/> 750 Other Labor Litigation																																																																																																													
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act																																																																																																													
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> PROPERTY RIGHTS																																																																																																													
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights																																																																																																													
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent																																																																																																													
<input type="checkbox"/> 850 Securities/Commodities/ Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 370 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property	<input type="checkbox"/> 840 Trademark																																																																																																													
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 380 Other Personal Injury	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> SOCIAL SECURITY																																																																																																													
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 385 Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 861 HIA (1395ff)																																																																																																														
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 390 Other Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 862 Black Lung (923)																																																																																																														
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 445 American with Disabilities - Other	<input type="checkbox"/> 863 DIWC/DIWV (405(g))																																																																																																														
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 864 SSID Title XVI																																																																																																														
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 460 Other	<input type="checkbox"/> 865 RSI (405(g))																																																																																																														
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 690 Other	<input type="checkbox"/> FEDERAL TAX SUITS																																																																																																														
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)																																																																																																														
<input type="checkbox"/> 950 Constitutionality of State Statutes				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																																																																																																														

FOR OFFICE USE ONLY: Case Number: SACV09-01212

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles (CA)	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

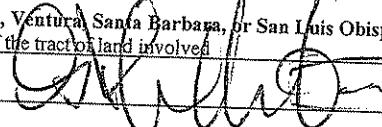
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Orange (CA)

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles (CA)	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date October 7, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))